IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6881 OF 2004

The Samata Nagar Co-operative
Bank Ltd, .. Petitioner.

Vs

Tenneco Investment & Trading Co Pvt Ltd Respondents

Mr S.C.Naidu with Mr T.R.Yadav, for the petitioner.

Mr KR. Parekh, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 13th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The learned counsel for the parties agree for the following order :-

(i) The petitioner shall deposit the entire arrears, as per the impugned order, in the Small Causes Court, Mumbai. within four weeks from today.

(ii) On the petitioner's depositing the arrears, liberty to the respondents to withdrawn the amount at the rate of rate of Rs.28,000/- per month, subject to the petitioner's right to apply before the Small Causes Court seeking adjustment of excessive payment, if any, made by them.

(iii) If at all the petitioner files an application before the Small Causes Court regarding adjustment of

excessive payment, same may be considered on merits in accordance with law expeditiously.

(iv) All contentions are kept open.

. With these directions, the writ petition is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)